

DECLARATION OF LORI MCCARTHY LOPEZ

I, **Lori A. McCarthy Lopez**, being of full age, declare as follows:

1. I am a Vice President for Bank of America, N.A. ("BANA"), which is a named defendant in *Jennifer Smith v. Bank of America, Corp. and Bank of America, N.A.*, Case No. CV 11-6368, pending in the United States District Court for the Eastern District of New York. I am duly authorized to make this declaration on behalf of BANA. If called as a witness, I could and would competently testify thereto. I am over 18 years of age.

2. Exhibit 1 to this declaration is a true and accurate copy of a three page facsimile transmission from Jennifer McDowell Smith dated September 15, 2011 that was received in the normal course of business by personnel on behalf of BANA on or about September 15, 2011.

3. Exhibit 2 to this declaration contains printouts from the web site of the Federal Deposit Insurance Commission ("FDIC") (www.fdic.gov) containing information relating to BANA.

4. Exhibit 3 to this declaration is a true and accurate copy of a certificate issued to BANA by the FDIC indicating that BANA is insured by the FDIC.

5. Exhibit 4 to this declaration contains a true and accurate copy of a letter dated September 16, 2009 sent to Jennifer Valerie McDowell on behalf of BANA, and a true and accurate copy of one of the enclosures included with that letter.

6. Exhibit 5 to this declaration is true and accurate copy of a letter dated September 27, 2009 addressed to Jennifer V. McDowell sent to Jennifer Valerie McDowell on or about September 27, 2009 on behalf of BANA.

7. The original of the documents contained in Exhibits 1 through 5 of this declaration are maintained by or on behalf of BANA by personnel charged with the responsibility to do so in the regular course of its business.

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1 I declare under penalty of perjury under the laws of United States of America that the
2 foregoing is true and correct to the best of my knowledge and belief as an agent of BANA, and
3 based upon information supplied on behalf of BANA, as is available to BANA.

4 Executed February 15, 2012 at San Francisco, California.

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7 Lori A. McCarthy Lopez
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